



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/119,746	11/12/87	BOYSE	E. 6297-003

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NEW YORK, NY 10036

EXAMINER	
ROSEN, S	
ART UNIT	PAPER NUMBER
182	6

DATE MAILED:

03/06/89

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 3 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449 4. Notice of informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6.

Part II SUMMARY OF ACTION

1. Claims 1-56 are pending in the application.

Of the above, claims 10-56 are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-9 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).

10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved. disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

Art Unit 182

The claims in this application are 1-56.

The elected invention is directed to claims 1-9.

Applicants' remarks regarding the restriction requirement have been evaluated however the requirement is deemed proper. Once allowed subject matter is found the requirement will be reevaluated and claims subgeneric to those allowed may be grouped with the allowed claims.

Claims 1-9 are rejected under 35 USC 112, paragraph 1 as being non-enabled. A review and a review of the specification fails to disclose to the examiner the claimed composition and specific composition wherein the components of the mixture are put to use.

Claims 1-9 are rejected (35 USC 103) as being prima facie obvious over Nothdurft et al (Ref. AS); Sarpeh (Ref. AU); Korbling et al (Ref. BA); or Palmer et al (Ref. BB). Note that each one of these references teaches the cryopreservation with cryoprotectant of combinations of hematopoietic stem cells. The prior art is so proximate to the claimed invention as to render the claims prima facie obvious. Before any claim can be indicated allowable applicants must effectively rebut this prima facie obviousness rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rosen whose telephone number is (703) 557-0664.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-0664.

03/05/89;rbb

Sam Rosen
SAM ROSEN
EXAMINER